

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GOOGLE INC.

PLAINTIFF

v.

Civil Action No. 3:14-cv-981-HTW-LRA

JIM HOOD, in his official capacity
as Attorney General of the State of
Mississippi

DEFENDANT

ORAL ARGUMENT REQUESTED

**ATTORNEY GENERAL JIM HOOD'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION TO
STRIKE DEFENDANT'S JURY DEMAND**

COMES NOW, Jim Hood, Attorney General of the State of Mississippi, in his official capacity (“Attorney General”), and files this his Response in Opposition to Plaintiff’s Motion to Strike Defendant’s Jury Demand.

Google’s Motion to Strike Defendant’s Jury Demand and its accompanying Memorandum is Google’s way of again asking the Court to blindly accept all the allegations contained in its Complaint without offering any admissible evidence to substantiate those allegations. Google’s assertion that there are no claims at issue in this litigation for a jury to determine is without merit. Additionally, Google asserts that even if the Attorney General had a right to a jury trial, the Attorney General has waived that right by failing to timely demand the same. The Attorney General’s jury demand was made within the scheduling deadlines established by the Court. Google’s Motion to Strike, on the other hand, was made almost 7 months after the time allowed under the Federal Rules of Civil Procedure had expired.

The Attorney General requests that the Court deny Plaintiff's Motion to Strike Defendant's Jury Demand for the reasons stated in the Attorney General's accompanying Memorandum in Opposition. In further support of his opposition, the Attorney General submits the Declaration of John W. Kitchens, with Exhibit (attached hereto).

THIS the 15th day of January, 2016.

Respectfully Submitted,

JIM HOOD, in his official capacity as Attorney General of the State of Mississippi

By: /s/ John W. Kitchens

John W. Kitchens, (MSB # 101137)
Kitchens Law Firm, P.A.
Post Office Box 799
Crystal Springs, MS 39059-0799
Telephone: 601-892-3067
Facsimile: 601-892-3057
jkitchens@kitchenslaw.net

Douglas T. Miracle (MSB # 9648)
Special Assistant Attorney General
Bridgette W. Wiggins (MSB # 9676)
Special Assistant Attorney General
Krissy Casey Nobile (MSB # 103577)
Special Assistant Attorney General
Alison O'Neal McMinn (MSB # 101232)
Special Assistant Attorney General
Office of the Attorney General
Post Office Box 220
Jackson, Mississippi 39205-0220
Telephone: (601) 359-5654
Facsimile: (601) 359-2003
dmira@ago.state.ms.us
bwill@ago.state.ms.us
knobi@ago.state.ms.us
aonea@ago.state.ms.us

F. Jerome Tapley, PHV
Hirlye R. "Ryan" Lutz III, PHV
Cory Watson, P.C.

2131 Magnolia Avenue South
Birmingham, AL 35205
Telephone: (205) 328-2200
jtapley@corywatson.com
rlutz@corywatson.com

Sean Rommel, PHV
Jim Wyly, PHV
Wyly-Rommel, PLLC
4004 Texas Boulevard
Texarkana, Texas 75503
Telephone: (903) 334-8646
Facsimile: (903) 334-8645
srommel@wylyrommel.com
jwyly@wylyrommel.com

Carolyn G. Anderson, PHV
Kirsten D. Hedberg, PHV
ZIMMERMAN REED, PLLP
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Telephone: 612.341.0400
carolyn.anderson@zimmreed.com

CERTIFICATE OF SERVICE

I, John W. Kitchens, one of the attorneys for Defendant Jim Hood, hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Southern District of Mississippi through the Court's CM/ECF system. I further certify that all parties are represented by attorneys who are registered users of the CM/ECF system and that service will be accomplished through the CM/ECF system.

/s/ John W. Kitchens
John W. Kitchens

John W. Kitchens, (MSB # 101137)
Kitchens Law Firm, P.A.
Post Office Box 799
Crystal Springs, MS 39059-0799
Telephone: 601-892-3067
Facsimile: 601-892-3057
jkitchens@kitchenslaw.net

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Krissy Casey Nobile (MSB # 103577)
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Telephone: (601) 359-5654
Facsimile: (601) 359-2003

dmira@ago.state.ms.us
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Cory Watson, P.C.
2131 Magnolia Avenue South
Birmingham, AL 35205
Telephone: (205) 328-2200
jtapley@corywatson.com
rlutz@corywatson.com

Sean Rommel, PHV
Jim Wyly, PHV
Wyly-Rommel, PLLC
4004 Texas Boulevard
Texarkana, Texas 75503
Telephone: (903) 334-8646
Facsimile: (903) 334-8645
srommel@wylyrommel.com
jwyly@wylyrommel.com

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Kirsten D. Hedberg, PHV
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